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**UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA**

IN RE CLEANSARK, INC. DERIVATIVE  
 LITIGATION

Case No. 2:21-cv-01004-GMN-BNW

This Document Relates to:  
  
 ALL ACTIONS.

**JOINT STIPULATION AND [Proposed]  
 ORDER EXTENDING DEADLINE TO  
SUBMIT A PROPOSED SCHEDULE**

Plaintiffs Andrea Ciceri and Mark Perna (“Plaintiffs”), both derivatively on behalf of Nominal Plaintiff CleanSpark, Inc. (“CleanSpark”) and Defendants Zachary K. Bradford, Lori L. Love, S. Matthew Schultz, Roger P. Beynon, Larry McNeill, Thomas L. Wood, and Nominal Defendant CleanSpark (“Defendants”) (collectively, with Plaintiffs, the “Parties”), by and through their undersigned counsel, hereby enter into the following stipulation and proposed order:

**WHEREAS**, on January 21, 2022, this Court issued an Order staying proceedings this

1 matter (the “Stay Order”); and

2       **WHEREAS**, the Stay Order provided that the stay of proceedings in this matter would be  
3 terminated upon, inter alia, denial in whole or in part of the then-anticipated motion to dismiss by  
4 all defendants in the securities class action currently pending before the Hon. Loretta Preska in  
5 the Southern District of New York, *Bishins v. CleanSpark, Inc. et al.*, No. 21-cv-511 (LAP) (the  
6 “Securities Class Action”); and

7       **WHEREAS**, by Opinion & Order dated January 5, 2023, the court in the Securities Class  
8 Action denied defendants’ motion to dismiss, thereby terminating the stay of proceedings in this  
9 matter; and

10       **WHEREAS**, the Stay Order further provided that the Parties meet and confer and submit  
11 a proposed scheduling order for the Court’s approval within two weeks of the date that the stay  
12 of proceedings in this matter is lifted; and

13       **WHEREAS**, the Parties have met and conferred but have not yet reached agreement on a  
14 proposed scheduling order; and

15       **WHEREAS**, the defendants’ answer in the Securities Class Action is due to be filed on  
16 or before February 9, 2023 and the parties to the Securities Class Action are due to file their Rule  
17 26(f) report on or before April 24, 2023;

18       IT IS HEREBY STIPULATED AND AGREED, by the Parties hereto, through their  
19 undersigned counsel, subject to the approval of the Court, as follows:

20       1.       The Parties shall file either a proposed scheduling order or a notice updating the  
21 Court as to the progress of their meet and confer sessions on or before February 2, 2023.  
22 Defendants need not respond to the operative complaint until the date set in the Court’s  
23 scheduling order.

24       2.       Other than as agreed herein, the Parties reserve all rights.

1 DATED: January 19, 2023

DATED: January 19, 2023

2 **WILK AUSLANDER LLP**

**LEVERTY & ASSOCIATES LAW CHTD**

3 /s/Jay S. Auslander

/s/Patrick R. Leverty

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17 *Liaison Counsel for Defendants*

18  
19 **ORDER**

20 **IT IS SO ORDERED**

21 **DATED:** 3:41 pm, January 20, 2023

22 

23 **BRENDA WEKSLER**

24 **UNITED STATES MAGISTRATE JUDGE**